

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

HERITAGE HUNTER KNOLL, LLC

PLAINTIFF

v.

Civil Action No. 2:20-cv-198-TBM-MTP

LAMAR COUNTY, MISSISSIPPI

DEFENDANT

**ORDER DENYING MOTION FOR PARTIAL SUMMARY JUDGMENT AND
MOTION FOR SUMMARY JUDGMENT WITHOUT PREJUDICE**

This matter comes before the Court on Plaintiff's Motion for Partial Summary Judgment [33] and Defendant's Motion for Summary Judgment [35]. Plaintiff filed suit in this Court on October 29, 2020, seeking damages under federal and Mississippi law after Defendant Lamar County's Board of Supervisors voted to discontinue solid waste collection and disposal services to Plaintiff's properties. Plaintiff also directly appealed the Defendant Board of Supervisors' decision to the Circuit Court of Lamar County under MISS. CODE § 11-51-75. The Circuit Court of Lamar County ruled against Plaintiff, who then appealed to the Mississippi Supreme Court in Case No. 2021-TS-01325. On December 7, 2021, the parties submitted a Joint Motion to Stay Proceedings [41], requesting this Court to stay these proceedings while the Mississippi Supreme Court weighs Plaintiff's appeal—allowing the Mississippi Supreme Court to decide an issue of state statutory interpretation the parties expect will be important to the proceedings in this Court.

In light of the parties' Joint Motion to Stay Proceedings [41] and the related appeal pending before the Mississippi Supreme Court, the Court finds that Plaintiff's Motion for Partial Summary Judgment [33] and Defendant's Motion for Summary Judgment [35] should be denied without prejudice. The parties may re-urge these motions at an appropriate time.

THEREFORE, IT IS ORDERED AND ADJUDGED that, for the reasons stated above, Plaintiff's Motion for Partial Summary Judgment [33] is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant's Motion for Summary Judgment [35] is DENIED WITHOUT PREJUDICE.

THIS, the 13th day of December, 2021.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE